

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MICHAEL A. SMITH SR.,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

No. 23-CV-6184 (KMK)

ORDER ADOPTING
REPORT & RECOMMENDATION

KENNETH M. KARAS, United States District Judge:

Michael A. Smith Sr. (“Plaintiff” or “Smith”) brings this Action against the Commissioner of Social Security (“Defendant” or the “Commissioner”), seeking judicial review of the Commissioner’s denial of Plaintiff’s application for Supplemental Security Income Benefits and Disability Insurance Benefits under the Social Security Act. (*See* Compl. (Dkt. No. 6).) On May 2, 2024, the Court referred this case to Magistrate Judge Gary R. Jones (“Judge Jones”). (*See* Dkt.) On June 17, 2024, Judge Jones issued a Report and Recommendation (“R&R”) recommending that the Commissioner’s decision be affirmed and that the instant case be dismissed. (*See* R&R (Dkt. No. 18).) No objections were filed.¹

When no objections are filed, the Court reviews an R&R on a dispositive motion for clear error. *See Torres v. Golden Home Furniture Inc.*, No. 20-CV-4789, 2023 WL 3791807, at *1 (S.D.N.Y. June 2, 2023) (citing *Andrews v. LeClaire*, 709 F. Supp. 2d 269, 271 (S.D.N.Y. 2010)); *see also ExxonMobil Oil Corp. v. TIG Ins. Co.*, No. 16-CV-9527, 2022 WL 17070111, at

¹ Judge Jones provided notice that, pursuant to 28 U.S.C. § 636(b)(1)(C) and Rule 72(b) of the Federal Rules of Civil Procedure, objections to the R&R were due within fourteen days from the receipt of the R&R, and that the failure to object would constitute a waiver of either Parties’ right to raise any objections to this R&R on appeal. (*See* R&R 16.)

*1 (S.D.N.Y. Nov. 17, 2022) (same). The Court has reviewed the R&R, and finding no substantive error, clear or otherwise, adopts the R&R in its entirety.

Accordingly, it is hereby ORDERED that the Report and Recommendation, dated June 17, 2024, is ADOPTED in its entirety. The Commissioner's decision is affirmed, and this case is DISMISSED. The Clerk of Court is respectfully directed to enter judgment for Defendant and close this case.

SO ORDERED

Dated: July 2, 2024
White Plains, New York

A handwritten signature in black ink, appearing to read 'K. Karas', written over a horizontal line.

KENNETH M. KARAS
UNITED STATES DISTRICT JUDGE